

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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|--|---|---------------------|
| In the Matter of |) | |
| |) | |
| Improving Public Safety Communications |) | |
| in the 800 MHz Band |) | |
| |) | WT Docket No. 02-55 |
| Consolidating the 900 MHz Industrial/ |) | |
| Land Transportation and Business Pool |) | |
| Channels |) | |

OPPOSITION TO MOTION FOR PARTIAL STAY

The Association of Public-Safety Communications Officials-International, Inc., International Association of Chiefs of Police, International Association of Fire Chiefs, Inc., Major Cities Chiefs Association, Major County Sheriffs' Association, and National Sheriffs' Association (hereinafter "Public Safety Organizations") hereby submit the following Opposition to the "Motion for Partial Stay of Decision Pending Appellate Review" filed by Mobile Relay Associates and Skitronics, LLC (collectively "Movants").

The Movants are attempting to hold up implementation of the Commission's 800 MHz band reconfiguration, which is essential to prevent interference to emergency communications systems. We will leave it to other parties to address the merits of the Motion, except to challenge the claim that a stay will not cause irreparable harm. Movants claim that the "enhanced best practices" portion of the *Report and Order*, which

is not subject to their Motion, is sufficient to address interference problems pending appellate review.¹ We strongly disagree.

The principal benefit of “enhanced best practices” is to provide a process for correcting interference *after* it occurs. However, as the Commission recognized, “it would be scant consolation for a public safety officer subjected to a life-threatening communications failure to know that he or she could report the problem so that technical fixes could eventually be applied to fix it – or not.”² Thus, the Commission ordered band reconfiguration as a proactive approach to *prevent* interference from occurring in the first place. Any delay in the implementation of band reconfiguration, *e.g.*, pending appellate review, will expose our nation’s first responders to unexpected and potentially deadly interference to their radio systems. The longer we must wait to begin the reconfiguration process, the longer it will be that first responders must operate on channels prone to dangerous interference. Enhanced best practices, while helpful, are not the solution.

¹ Motion at 14-15.

² *Report and Order* at ¶119.

CONCLUSION

Therefore, contrary to Movants' claims, granting the requested stay will create irreparable harm to our nation's first responders and the public they serve. The Commission should promptly dismiss the Motion.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
COMMUNICATIONS OFFICIALS-
INTERNATIONAL, INC.

INTERNATIONAL ASSOCIATION OF CHIEFS
OF POLICE

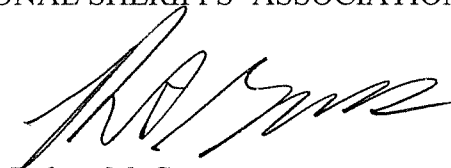
INTERNATIONAL ASSOCIATION OF FIRE
CHIEFS, INC.

MAJOR CITIES CHIEFS ASSOCIATION

MAJOR COUNTY SHERIFFS' ASSOCIATION

NATIONAL SHERIFFS' ASSOCIATION

By:



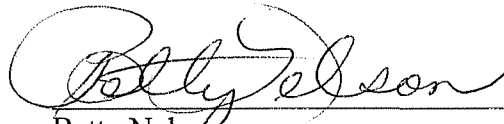
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November 24, 2004

CERTIFICATE OF SERVICE

I, Betty Nelson, hereby certify that a copy of the foregoing "Opposition to Motion for Partial Stay" was served this 24th day of November 2004, by first class postage prepaid to the individual listed below:

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